

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF NEW CINGULAR WIRELESS	)	
PCS, LLC FOR ISSUANCE OF A CERTIFICATE OF	)	
PUBLIC CONVENIENCE AND NECESSITY TO	)	CASE NO.
CONSTRUCT A WIRELESS COMMUNICATIONS	)	2011-00473
FACILITY AT 4331 U.S. HIGHWAY 60E, MARION	)	
CRITTENDEN COUNTY, KENTUCKY 42064	)	

O R D E R

On December 19, 2011, New Cingular Wireless PCS, LLC (“Applicant”) filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility. The proposed facility consists of a monopole antenna tower not to exceed 199 feet in height, with attached antenna, to be located at 4331 U.S. Highway 60E, Marion, Crittenden County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 22’ 50.099” by West Longitude 88° 1’ 48.937”.

The Applicant has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the information contained in the application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and a Licensed Professional Engineer has certified the plans.

Pursuant to 807 KAR 5:063, the Applicant has notified the County Judge/Executive of the proposed construction and filed evidence of the appropriate notices provided to nearby property owners. The notices solicited comments and

informed the recipients of their right to request intervention. To date, no public comments have been filed with the Commission.

The Applicant has provided evidence of electronic correspondence with both the Federal Aviation Administration and the Kentucky Airport Zoning Commission indicating that approval for the construction and operation of the proposed facility is not required by either agency due to height and proximity to air traffic flight paths.

The Applicant has further advised that the proposed construction is intended to replace the construction of a wireless facility approved by the Commission in Case No. 2010-00412<sup>1</sup> that will not be constructed due to an unforeseen and undisclosed issue.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that the Applicant has demonstrated that a facility is necessary to provide adequate utility service and that, therefore, a Certificate of Public Convenience and Necessity to construct the proposed facility should be granted.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, the Applicant should notify the Commission if it does not use this antenna tower to provide service in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the

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<sup>1</sup> Case No. 2010-00412, Application of New Cingular Wireless PCS, LLC for Issuance of a Certificate of Public Convenience and Necessity to Construct a Wireless Communications Facility at 3738 U.S. Highway 60 E, Marion, Crittenden County, Kentucky 42064. (Ky. PSC Feb. 7, 2011).

proper practices, including removal of the unused antenna tower, which should be observed by the Applicant.

IT IS THEREFORE ORDERED that:

1. The Applicant is granted a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility. The proposed facility consists of a monopole antenna tower not to exceed 199 feet in height, with attached antenna, and is to be located at 4331 U.S. Highway 60E, Marion, Crittenden County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 22' 50.099" by West Longitude 88° 1' 48.937".

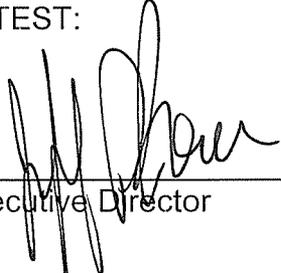
2. The Applicant shall immediately notify the Commission in writing if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of three months in the manner authorized by this Order.

3. Any documents filed in the future pursuant to ordering paragraph two herein shall reference this case number and shall be retained in the utility's general correspondence files.

By the Commission

ENTERED   
FEB 14 2012  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
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Executive Director

Case No. 2011-00473

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